

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TEXARKANA DIVISION**

OSCAR JAVIER MARTINEZ,

Plaintiff,

v.

ASSISTANT WARDEN R. MARCHALL,  
RONALD GIVENS, MARCUS R.  
ROBINSON,

Defendants.

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**CIVIL ACTION NO. 5:19-CV-00106-RWS**

**ORDER**

The Plaintiff Oscar Javier Martinez, a prisoner of the Texas Department of Criminal Justice, Correctional Institutions Division proceeding *pro se*, filed this civil rights lawsuit under 42 U.S.C. § 1983 complaining of alleged violations of his constitutional rights. This Court referred the case to the United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges. Plaintiff named Warden R. Marchall of the Telford Unit, Warden Ronald Givens of the Connally Unit, and Major Marcus Robinson of the Connally Unit as defendants.

**I. The Plaintiff's Claims**

In his original and first amended complaints, Plaintiff contended that a “documentary” is being projected in the prison showing his past life and his family. This “documentary,” which Plaintiff claims is somehow visible to other prisoners, is projected every day and night. He states it includes his wife, sons, nephew, and ex-girlfriend and shows explicit sex scenes. As a result, he claims the Mexican Mafia is planning to extort and send threats to his family and other people’s families. Plaintiff attached grievances to his amended complaint, to which the responses indicate

there has been no evidence found to support his claims and he has been referred for mental health treatment.

## **II. The Report of the Magistrate Judge and the Plaintiff's Responses**

After review of the pleadings, the Magistrate Judge issued a Report concluding Plaintiff's claims rise to the level of the irrational or wholly incredible and recommending the lawsuit be dismissed as factually frivolous.

In response to the Report, Plaintiff filed four "notices" and an amended complaint. In these filings Plaintiff continues to claim the documentary exists and is being projected and displayed for other inmates to view. He asserts he needs help from the court because his family's privacy is being violated by the documentary.

Plaintiff's notices, objections, and second amended complaint simply underscore the correctness of the Magistrate Judge's conclusion that the lawsuit is factually frivolous. *See, e.g., Braud v. Cain*, civil action no. 09-68, 2009 WL 579240 (M.D.La. March 5, 2009) (prisoner's claim that other inmates are sending him subliminal messages including projections of sexual behavior was factually frivolous). His objections are without merit.

## **III. Conclusion**

The Court has conducted a careful *de novo* review of those portions of the Magistrate Judge's proposed findings and recommendations to which the Plaintiff objected. *See* 28 U.S.C. §636(b)(1) (District Judge shall "make a *de novo* determination of those portions of the Report or specified proposed findings or recommendations to which objection is made."). Upon such *de novo* review, the Court has determined that the Reports of the Magistrate Judge are correct and the Plaintiff's objections are without merit. It is accordingly

**ORDERED** that the Plaintiff's objections are overruled and the Report of the Magistrate Judge (Docket No. 15) is **ADOPTED** as the opinion of the District Court. It is further

**ORDERED** that the above-styled civil action is **DISMISSED WITH PREJUDICE** for purposes of proceeding *in forma pauperis* as frivolous. It is further

**ORDERED** that any and all motions which may be pending in this civil action are hereby **DENIED**.

**So ORDERED and SIGNED this 25th day of September, 2020.**

  
ROBERT W. SCHROEDER III  
UNITED STATES DISTRICT JUDGE